

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of:	)	<b>Mail Stop Appeal Brief – Patents</b>
	)	
Ralph S. HOEFELMEYER et al.	)	Group Art Unit: 2146
	)	
Application No.: 10/699,824	)	Examiner: J. Avellino
	)	
Filed: November 4, 2003	)	
	)	
For: SYSTEMS AND METHODS FOR	)	
PROVIDING SELF-COMPILING,	)	
PEER-TO-PEER ON-LINE GAMING	)	

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

U.S. Patent and Trademark Office  
Customer Window, Mail Stop Appeal Brief – Patents  
Randolph Building  
401 Dulany Street  
Alexandria, Virginia 22314

Sir:

This paper is submitted in response to the Notification of Non-Compliant Appeal Brief, dated July 20, 2009, and in response to the Order Returning Undocketed Appeal to Examiner, dated July 13, 2009.

The Order Returning Undocketed Appeal to Examiner alleged that “The Summary of Claimed Subject Matter” on pages 2-5 of the Appeal Brief, dated November 7, 2008, contains page and line numbers not found in the specification, which only includes paragraph numbers. The Order further states that an entire new Appeal Brief need not, and should not, be filed, but rather a paper providing a summary of the claimed subject matter as required by 37 C.F.R. § 41.37(c)(1)(v) will suffice.

Appellants hereby provide a corrected “Summary of Claimed Subject Matter,” which

includes paragraphs numbers, rather than page and line numbers. Appellants respectfully submit that the Appeal Brief, filed on November 7, 2008, together with the attached "Summary of Claimed Subject Matter," meets the requirements 37 C.F.R. § 41.37(c)(1)(v). Accordingly, Appellants respectfully submit that the Appeal Brief be accepted and docketed for consideration by the Board of Appeals and Interferences.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & HARRITY, LLP

By: /Viktor Simkovic, Reg. No. 56,012/  
Viktor Simkovic  
Reg. No. 56,012

Date: August 20, 2009  
11350 Random Hills Road  
Suite 600  
Fairfax, Virginia 22030  
(571) 432-0800  
CUSTOMER NUMBER:  
Date: August 20, 2009  
**Customer Number: 25537**

Attachments: Summary of Claimed Subject Matter (4 pages)

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The following summary of the presently claimed subject matter indicates certain portions of the specification (including the drawings) that provide examples of embodiments of elements of the claimed subject matter. It is to be understood that other portions of the specification not cited herein may also provide examples of embodiments of elements of the claimed subject matter. It is also to be understood that the indicated examples are merely examples, and the scope of the claimed subject matter includes alternative embodiments and equivalents thereof.

References herein to the specification are thus intended to be exemplary and not limiting.

Claim 1 is directed to a method for establishing a gaming session (e.g., paragraph [0041]) between a first network device that includes an operating system and at least one second network device in a communications network (e.g., paragraph [0019]; Fig. 1, items 110 and 120), the method comprising modifying the first network device for the gaming session, the modifying including loading a new operating system (e.g., paragraph [0044]), booting the first network device up in the new operating system (e.g., paragraph [0044], paragraph [0047]), detecting a hardware configuration of the first network device (e.g., paragraph [0045]; paragraph [0048]; Fig. 5, Act 520), generating a configuration file based on the detecting (e.g., paragraph [0045]; paragraph [0048]; Fig. 5, Act 520), compiling network access software and peering software using the configuration file (e.g., paragraph [0048]; Fig. 5, Act 530), and installing the network access software and the peering software using the configuration file (e.g., paragraph [0048], paragraph [0049]; Fig. 5, Act 530), connecting the first network device to the communications network (e.g., paragraph [0049]; Fig. 5, Act 540); and establishing a peer-to-peer gaming session with the at least one second network device (e.g., paragraph [0055]; Fig. 5, Act 560).

Claim 7 recites connecting to the communications network using Virtual Private Network

(VPN) security (e.g., paragraph [0049]).

Independent claim 12 is directed to a device comprising a memory configured to store instructions (e.g., paragraph [0035]; Fig. 2, item 230); and a processor configured to execute the instructions (e.g., paragraph [0035]; Fig. 2, item 220) to receive a gaming package (e.g., paragraph [0043]), the gaming package including an operating system (e.g., paragraph [0044]), a script for detecting a hardware configuration of the device (e.g., paragraph [0044]), software for accessing a network (e.g., paragraph [0044]), and peering software (e.g., paragraph [0044]), load the operating system in response to receiving the gaming package (e.g., paragraph [0044]), detect a hardware configuration of the device using the script (e.g., paragraph [0045]; paragraph [0048]; Fig. 5, Act 520), compile the software for accessing the network and the peering software based on the detected hardware configuration of the device (e.g., paragraph [0048]; Fig. 5, Act 530), install the software for accessing the network and the peering software based on the detected hardware configuration of the device (e.g., paragraph [0048], paragraph [0049]; Fig. 5, Act 530), and establish a peer-to-peer gaming session with another device over the network using the software for accessing the network and the peering software (e.g., paragraph [0055]; Fig. 5, Act 560).

Claim 16 recites that, when receiving the gaming package, the processor is configured to download the gaming package from the network (e.g., paragraph [0043]).

Independent claim 24 is directed to a network comprising a server configured to provide a list of games (e.g., paragraph [0051]); and a plurality of network devices, at least one network device of the plurality of network devices being configured to receive a gaming package (e.g., paragraph [0043]) that includes an operating system (e.g., paragraph [0044]), a script for detecting a hardware configuration of the device (e.g., paragraph [0044]), software for accessing

a network (e.g., paragraph [0044]), and peering software (e.g., paragraph [0044]), load the operating system in response to receiving the gaming package (e.g., paragraph [0044]), detect a hardware configuration of the device using the script (e.g., paragraph [0045]; paragraph [0048]; Fig. 5, Act 520), compile the software for accessing the network and the peering software based on the detected hardware configuration of the device (e.g., paragraph [0048]; Fig. 5, Act 530), install the software for accessing the network and the peering software based on the detected hardware configuration of the device (e.g., paragraph [0048], paragraph [0049]; Fig. 5, Act 530), obtain the list of games from the server using the software for accessing the network (e.g., paragraph [0052]), select one game in the list of games (e.g., paragraph [0053]), and establish, using the peering software, a peer-to-peer gaming session with at least one other network device of the plurality of network devices in response to selecting the one game (e.g., paragraph [0054], paragraph [0055]; Fig. 5, Act 560).

Claim 27 recites a device to provide at least one advertisement to a first network device of the plurality of network devices based on the stored information (e.g., paragraph [0057]).

Claim 28 recites a device to provide at least one fee-based service to a first network device of the plurality of network devices based on the stored information (e.g., paragraph [0052], paragraph [0057]).

Independent claim 31 is directed to a network device comprising means for receiving a gaming package (e.g., paragraph [0026]; Fig. 2, item 260), the gaming package including an operating system (e.g., paragraph [0044]), a script for detecting a hardware configuration of the network device (e.g., paragraph [0044]), software for accessing a network (e.g., paragraph [0044]), peering software (e.g., paragraph [0044]), and gaming software (e.g., paragraph [0044]); means for installing the operating system based on receiving the gaming package (e.g., paragraph

[0025]; Fig. 2, items 220 and 230); means for detecting a hardware configuration of the network device using the script (e.g., paragraph [0025]; Fig. 2, items 220 and 230); means for compiling the software for accessing the network, the peering software, and the gaming software based on the detected hardware configuration of the network device (e.g., paragraph [0025]; Fig. 2, items 220 and 230); means for installing the software for accessing the network, the peering software, and the gaming software based on the detected hardware configuration of the network device (e.g., paragraph [0025]; Fig. 2, items 220 and 230); and means for establishing a peer-to-peer gaming session with at least one other network device using the software for accessing the network, the peering software, and the gaming software (e.g., paragraph [0026]; Fig. 2, item 260).